

State of Arizona
Senate
Forty-eighth Legislature
Second Regular Session
2008

SENATE BILL 1083

AN ACT

AMENDING SECTION 28-2351, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2008, CHAPTER 93, SECTION 1; AMENDING SECTION 28-2403, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2008, CHAPTER 93, SECTION 2; AMENDING SECTION 28-2405, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2008, CHAPTER 93, SECTION 3; AMENDING TITLE 28, CHAPTER 7, ARTICLE 12, ARIZONA REVISED STATUTES, BY ADDING SECTIONS 28-2431 AND 28-2432; AMENDING SECTION 28-6501, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2008, CHAPTER 93, SECTION 5; AMENDING SECTION 28-6991, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2008, CHAPTER 93, SECTION 6; AMENDING SECTION 28-6993, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2008, CHAPTER 93, SECTION 7; AMENDING SECTION 41-608, ARIZONA REVISED STATUTES; RELATING TO LICENSE PLATES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 28-2351, Arizona Revised Statutes, as amended by
3 Laws 2008, chapter 93, section 1, is amended to read:

4 28-2351. License plate provided; design

5 A. The department shall provide to every owner one license plate for
6 each vehicle registered. At the request of the owner and on payment of any
7 required fee, the department shall provide either one or two license plates
8 for a vehicle for which a special plate is requested pursuant to this
9 chapter, except that the department shall provide one license plate if the
10 special plate is issued pursuant to section 28-2404, 28-2409 or 28-2416.

11 B. The license plate shall display the number assigned to the vehicle
12 and to the owner of the vehicle and the name of this state, which may be
13 abbreviated. The director shall coat the license plate with a reflective
14 material that is consistent with the determination of the license plate
15 commission established by section 28-2405 regarding the color and design of
16 license plates and special plates as prescribed by section 28-2405. The
17 director shall design the license plate and the letters and numerals on the
18 license plate to be of sufficient size to be plainly readable during daylight
19 from a distance of one hundred feet. In addition to the standard license
20 plate issued for a trailer before August 12, 2005, the director shall issue a
21 license plate for trailers that has a design that is similar to the standard
22 size license plate for trailers but that is the same size as the license
23 plate for motorcycles. The trailer owner shall notify the department which
24 size license plate the owner wants for the trailer.

25 C. Notwithstanding any other law, the department shall not contract
26 with a nongovernmental entity to purchase or secure reflective material for
27 the plates issued by the department unless the department has made a
28 reasonable effort to secure qualified bids or proposals from as many
29 individual responsible respondents as possible.

30 D. The license plate commission established by section 28-2405 shall
31 determine the color and design of the license plate. All other plates issued
32 by the department, except the plates issued pursuant to sections 28-2412,
33 28-2413, 28-2414, 28-2416 through ~~28-2430~~ 28-2432, 28-2452, 28-2453, 28-2454
34 and 28-2455 and article 14 of this chapter, shall be the same color as and
35 similar in design to the license plate as determined by the commission.

36 E. A passenger motor vehicle rented without a driver shall receive the
37 same type of license plate as issued for a private passenger motor vehicle.

38 Sec. 2. Section 28-2403, Arizona Revised Statutes, as amended by Laws
39 2008, chapter 93, section 2, is amended to read:

40 28-2403. Special plates; transfers; violation; classification

41 A. Except as otherwise provided in this article, the department shall
42 issue or renew special plates in lieu of the regular license plates pursuant
43 to the following conditions and procedures and only if the requirements
44 prescribed by this article for the requested special plates are met:

1 1. Except as provided in section 28-2416, a person who is the
2 registered owner of a vehicle registered with the department or who applies
3 for an original or renewal registration of a vehicle may submit to the
4 department a completed application form as prescribed by the department with
5 the fee prescribed by section 28-2402 for special plates in addition to the
6 registration fee prescribed by section 28-2003.

7 2. Except for plates issued pursuant to sections 28-2412, 28-2413,
8 28-2414, 28-2416 through ~~28-2430~~ 28-2432, 28-2452, 28-2453, 28-2454 and
9 28-2455 and article 14 of this chapter, the special plates shall be the same
10 color as and similar to the design of the regular license plates that is
11 determined by the license plate commission pursuant to section 28-2351.

12 3. Except as provided in section 28-2416, the department shall issue
13 special plates only to the owner or lessee of a vehicle that is currently
14 registered, including any vehicle that has a declared gross weight, as
15 defined in section 28-5431, of twenty-six thousand pounds or less.

16 4. Except as provided in section 28-2416, the department shall charge
17 the fee prescribed by section 28-2402 for each annual renewal of special
18 plates in addition to the registration fee prescribed by section 28-2003.

19 B. Except as provided in section 28-2416, on notification to the
20 department and on payment of the transfer fee prescribed by section 28-2402,
21 a person who is issued special plates may transfer the special plates to
22 another vehicle the person owns or leases. Persons who are issued special
23 plates for hearing impaired persons pursuant to section 28-2408 and
24 international symbol of access special plates pursuant to section 28-2409 are
25 exempt from the transfer fee. If a person who is issued special plates
26 sells, trades or otherwise releases ownership of the vehicle on which the
27 plates have been displayed, the person shall immediately report the transfer
28 of the plates to the department or the person shall surrender the plates to
29 the department as prescribed by the director. It is unlawful for a person to
30 whom the plates have been issued to knowingly permit them to be displayed on
31 a vehicle except the vehicle authorized by the department.

32 C. The special plates shall be affixed to the vehicle for which
33 registration is sought in lieu of the regular license plates.

34 D. A person is guilty of a class 3 misdemeanor who:

35 1. Violates subsection B of this section.

36 2. Fraudulently gives false or fictitious information in the
37 application for or renewal of special plates or placards issued pursuant to
38 this article.

39 3. Conceals a material fact or otherwise commits fraud in the
40 application for or renewal of special plates or placards issued pursuant to
41 this article.

1 Sec. 3. Section 28-2405, Arizona Revised Statutes, as amended by Laws
2 2008, chapter 93, section 3, is amended to read:

3 28-2405. License plate commission

4 A. A license plate commission is established. The commission is
5 composed of the following members:

6 1. Two public members who are appointed by the director of the
7 department of transportation.

8 2. A person who is appointed by the governor from the governor's
9 office of highway safety and who serves at the pleasure of the governor.

10 3. The director of the department of public safety or the director's
11 designee.

12 4. The director of the department of transportation or the director's
13 designee.

14 5. The director of the office of tourism or the director's designee.

15 6. The director of the state department of corrections or the
16 director's designee.

17 B. The director of the department of transportation or the director's
18 designee shall serve as chairman of the commission. The chairman shall
19 preside at commission meetings and coordinate the activities of the
20 commission and staff implementation of commission actions.

21 C. All official actions of the commission shall be decided by a
22 majority vote of commission members.

23 D. The commission shall determine the following:

24 1. The color and design of license plates.

25 2. The color of special plates to be the same as and the design of
26 special plates to be similar to the license plates, except for special plates
27 issued pursuant to sections 28-2412, 28-2413, 28-2414, 28-2416 through
28 ~~28-2430~~ 28-2432, 28-2452, 28-2453, 28-2454 and 28-2455 and article 14 of this
29 chapter.

30 3. Whether to authorize special organization plates pursuant to
31 section 28-2404.

32 4. The indicia for special organization plates issued pursuant to
33 section 28-2404.

34 E. The department shall provide the commission with staff and
35 technical assistance as necessary to perform its functions.

36 F. Commission members are not eligible to receive compensation, but
37 the members who are appointed pursuant to subsection A, paragraphs 1 and 2 of
38 this section are eligible for reimbursement of expenses pursuant to title 38,
39 chapter 4, article 2.

40 Sec. 4. Title 28, chapter 7, article 12, Arizona Revised Statutes, is
41 amended by adding sections 28-2431 and 28-2432, to read:

42 28-2431. Gold star family special plates

43 A. THE DEPARTMENT SHALL ISSUE GOLD STAR FAMILY SPECIAL PLATES TO A
44 PERSON WHO SUBMITS SATISFACTORY PROOF TO THE DEPARTMENT THAT THE PERSON IS AN

1 IMMEDIATE FAMILY MEMBER OF A PERSON WHO DIED WHILE ON ACTIVE DUTY IN THE
2 UNITED STATES MILITARY IF A CHARITABLE ORGANIZATION AFFILIATED WITH AN
3 ARIZONA PROFESSIONAL BASKETBALL CLUB DONATES THIRTY-TWO THOUSAND DOLLARS TO
4 THE VETERANS' DONATIONS FUND ESTABLISHED BY SECTION 41-608 FOR THE PURPOSE OF
5 PAYING THE IMPLEMENTATION COSTS OF THE GOLD STAR FAMILY SPECIAL PLATES. THE
6 COSTS OF IMPLEMENTING THE GOLD STAR FAMILY SPECIAL PLATES SHALL BE PAID BY
7 THE MONIES IN THE VETERANS' DONATIONS FUND ESTABLISHED BY SECTION 41-608 THAT
8 WERE DONATED BY THE ARIZONA PROFESSIONAL BASKETBALL CLUB. THE DEPARTMENT IN
9 COOPERATION WITH AN ORGANIZATION FORMED FOR THE SUPPORT OF MOTHERS WHO HAVE
10 HAD CHILDREN DIE WHILE ON ACTIVE DUTY IN THE UNITED STATES MILITARY SHALL
11 DESIGN THE GOLD STAR FAMILY SPECIAL PLATE. THE DIRECTOR MAY ALLOW A REQUEST
12 FOR GOLD STAR FAMILY SPECIAL PLATES TO BE COMBINED WITH A REQUEST FOR
13 PERSONALIZED SPECIAL PLATES. IF THE DIRECTOR ALLOWS SUCH A COMBINATION, THE
14 REQUEST SHALL BE IN A FORM PRESCRIBED BY THE DIRECTOR AND IS SUBJECT TO THE
15 FEES FOR THE PERSONALIZED SPECIAL PLATES IN ADDITION TO THE FEES REQUIRED FOR
16 GOLD STAR FAMILY SPECIAL PLATES.

17 B. OF THE TWENTY-FIVE DOLLAR FEE REQUIRED BY SECTION 28-2402 FOR THE
18 ORIGINAL SPECIAL PLATES AND FOR RENEWAL OF SPECIAL PLATES, EIGHT DOLLARS IS A
19 SPECIAL PLATE ADMINISTRATION FEE AND SEVENTEEN DOLLARS IS AN ANNUAL DONATION.

20 C. THE DEPARTMENT SHALL DEPOSIT, PURSUANT TO SECTIONS 35-146 AND
21 35-147, ALL SPECIAL PLATE ADMINISTRATION FEES IN THE STATE HIGHWAY FUND
22 ESTABLISHED BY SECTION 28-6991 AND ALL DONATIONS COLLECTED PURSUANT TO THIS
23 SECTION IN THE VETERANS' DONATIONS FUND ESTABLISHED BY SECTION 41-608.

24 28-2432. Arizona professional basketball club special plates:
25 fund

26 A. IF, BY DECEMBER 31, 2008, A CHARITABLE ORGANIZATION AFFILIATED WITH
27 AN ARIZONA PROFESSIONAL BASKETBALL CLUB DONATES THIRTY-TWO THOUSAND DOLLARS
28 TO THE VETERANS' DONATIONS FUND ESTABLISHED BY SECTION 41-608 FOR THE PURPOSE
29 OF PAYING THE IMPLEMENTATION COSTS OF THE GOLD STAR FAMILY SPECIAL PLATES
30 ESTABLISHED BY SECTION 28-2431 AND THE THIRTY-TWO THOUSAND DOLLARS IS PAID TO
31 THE DEPARTMENT FOR THE IMPLEMENTATION OF THIS SECTION, THE DEPARTMENT SHALL
32 ISSUE ARIZONA PROFESSIONAL BASKETBALL CLUB SPECIAL PLATES. THE ENTITY THAT
33 PROVIDES THE THIRTY-TWO THOUSAND DOLLARS FOR THE IMPLEMENTATION OF THE
34 ARIZONA PROFESSIONAL BASKETBALL CLUB SPECIAL PLATES SHALL DESIGN THE ARIZONA
35 PROFESSIONAL BASKETBALL CLUB SPECIAL PLATES. THE DESIGN AND COLOR OF THE
36 ARIZONA PROFESSIONAL BASKETBALL CLUB SPECIAL PLATES ARE SUBJECT TO THE
37 APPROVAL OF THE DEPARTMENT. THE DIRECTOR MAY ALLOW A REQUEST FOR ARIZONA
38 PROFESSIONAL BASKETBALL CLUB SPECIAL PLATES TO BE COMBINED WITH A REQUEST FOR
39 PERSONALIZED SPECIAL PLATES. IF THE DIRECTOR ALLOWS SUCH A COMBINATION, THE
40 REQUEST SHALL BE IN A FORM PRESCRIBED BY THE DIRECTOR AND IS SUBJECT TO THE
41 FEES FOR THE PERSONALIZED SPECIAL PLATES IN ADDITION TO THE FEES REQUIRED FOR
42 ARIZONA PROFESSIONAL BASKETBALL CLUB SPECIAL PLATES.

1 B. OF THE TWENTY-FIVE DOLLAR FEE REQUIRED BY SECTION 28-2402 FOR THE
2 ORIGINAL SPECIAL PLATES AND FOR RENEWAL OF SPECIAL PLATES, EIGHT DOLLARS IS A
3 SPECIAL PLATE ADMINISTRATION FEE AND SEVENTEEN DOLLARS IS AN ANNUAL DONATION.

4 C. THE DEPARTMENT SHALL DEPOSIT, PURSUANT TO SECTIONS 35-146 AND
5 35-147, ALL SPECIAL PLATE ADMINISTRATION FEES IN THE STATE HIGHWAY FUND
6 ESTABLISHED BY SECTION 28-6991 AND ALL DONATIONS COLLECTED PURSUANT TO THIS
7 SECTION IN THE ARIZONA PROFESSIONAL BASKETBALL CLUB SPECIAL PLATE FUND
8 ESTABLISHED BY SUBSECTION D OF THIS SECTION.

9 D. THE ARIZONA PROFESSIONAL BASKETBALL CLUB SPECIAL PLATE FUND IS
10 ESTABLISHED CONSISTING OF MONIES RECEIVED PURSUANT TO THIS SECTION. THE
11 DIRECTOR SHALL ADMINISTER THE FUND. THE FIRST THIRTY-TWO THOUSAND DOLLARS
12 RECEIVED SHALL BE REIMBURSED TO THE ENTITY THAT PAID THE IMPLEMENTATION FEE
13 TO THE DEPARTMENT PURSUANT TO SUBSECTION A OF THIS SECTION. NOT MORE THAN
14 TEN PER CENT OF MONIES DEPOSITED IN THE FUND ANNUALLY SHALL BE USED FOR THE
15 COST OF ADMINISTERING THE FUND. MONIES IN THE FUND ARE CONTINUOUSLY
16 APPROPRIATED. THE DIRECTOR SHALL ALLOCATE MONIES FROM THE FUND THROUGH A
17 PRIVATE ARIZONA PROFESSIONAL BASKETBALL ORGANIZATION'S FOUNDATION THAT IS
18 QUALIFIED UNDER SECTION 501(c)(3) OF THE UNITED STATES INTERNAL REVENUE CODE
19 FOR FEDERAL INCOME TAX PURPOSES. THE DIRECTOR SHALL FORWARD ALL MONIES
20 DEPOSITED IN THE ARIZONA PROFESSIONAL BASKETBALL CLUB SPECIAL PLATE FUND,
21 EXCLUDING ADMINISTRATIVE FEES, TO THE FOUNDATION ON AN ANNUAL BASIS.

22 E. ON NOTICE FROM THE DIRECTOR, THE STATE TREASURER SHALL INVEST AND
23 DIVEST MONIES IN THE FUND AS PROVIDED BY SECTION 35-313, AND MONIES EARNED
24 FROM INVESTMENT SHALL BE CREDITED TO THE FUND.

25 Sec. 5. Section 28-6501, Arizona Revised Statutes, as amended by Laws
26 2008, chapter 93, section 5, is amended to read:

27 28-6501. Definition of highway user revenues

28 In this article, unless the context otherwise requires or except as
29 otherwise provided by statute, "highway user revenues" means all monies
30 received in this state from licenses, taxes, penalties, interest and fees
31 authorized by the following:

32 1. Chapters 2, 7, 8 and 15 of this title, except for:

33 (a) The special plate administration fees prescribed in sections
34 28-2404, 28-2412 through ~~28-2430~~ 28-2432 and 28-2514.

35 (b) The donations prescribed in sections 28-2404, 28-2412 through
36 28-2415, 28-2417 through ~~28-2430~~ 28-2432, 28-2453, 28-2454 and 28-2455.

37 2. Chapters 10 and 11 of this title.

38 3. Chapter 16, articles 1, 2 and 4 of this title, except as provided
39 in sections 28-5926 and 28-5927.

40 Sec. 6. Section 28-6991, Arizona Revised Statutes, as amended by Laws
41 2008, chapter 93, section 6, is amended to read:

42 28-6991. State highway fund; sources

43 A state highway fund is established that consists of:

1 1. Monies distributed from the Arizona highway user revenue fund
2 pursuant to chapter 18 of this title.

3 2. Monies appropriated by the legislature.

4 3. Monies received from donations for the construction, improvement or
5 maintenance of state highways or bridges. These monies shall be credited to
6 a special account and shall be spent only for the purpose indicated by the
7 donor.

8 4. Monies received from counties under cooperative agreements,
9 including proceeds from bond issues. The state treasurer shall deposit these
10 monies to the credit of the fund in a special account on delivery to the
11 treasurer of a concise written agreement between the department and the
12 county stating the purposes for which the monies are surrendered by the
13 county, and these monies shall be spent only as stated in the agreement.

14 5. Monies received from the United States under an act of Congress to
15 provide aid for the construction of rural post roads, but monies received on
16 projects for which the monies necessary to be provided by this state are
17 wholly derived from sources mentioned in paragraphs 2 and 3 of this section
18 shall be allotted by the department and deposited by the state treasurer in
19 the special account within the fund established for each project. On
20 completion of the project, on the satisfaction and discharge in full of all
21 obligations of any kind created and on request of the department, the
22 treasurer shall transfer the unexpended balance in the special account for
23 the project into the state highway fund, and the unexpended balance and any
24 further federal aid thereafter received on account of the project may be
25 spent under the general provisions of this title.

26 6. Monies in the custody of an officer or agent of this state from any
27 source that is to be used for the construction, improvement or maintenance of
28 state highways or bridges.

29 7. Monies deposited in the state general fund and arising from the
30 disposal of state personal property belonging to the department.

31 8. Receipts from the sale or disposal of any or all other property
32 held by the department and purchased with state highway monies.

33 9. Monies generated pursuant to section 28-410.

34 10. Monies distributed pursuant to section 28-5808, subsection B,
35 paragraph 2, subdivision (d).

36 11. Monies deposited pursuant to sections 28-1143, 28-2353 and 28-3003.

37 12. Except as provided in section 28-5101, the following monies:

38 (a) Monies deposited pursuant to section 28-2206 and section 28-5808,
39 subsection B, paragraph 2, subdivision (e).

40 (b) One dollar of each registration fee and one dollar of each title
41 fee collected pursuant to section 28-2003.

42 (c) Two dollars of each late registration penalty collected by the
43 director pursuant to section 28-2162.

1 (d) The air quality compliance fee collected pursuant to section
2 49-542.

3 (e) The special plate administration fees collected pursuant to
4 sections 28-2404, 28-2412 through ~~28-2430~~ 28-2432 and 28-2514.

5 (f) Monies collected pursuant to sections 28-372, 28-2155 and 28-2156
6 if the director is the registering officer.

7 13. Monies deposited pursuant to chapter 5, article 5 of this title.

8 14. Donations received pursuant to section 28-2269.

9 15. Dealer and registration monies collected pursuant to section
10 28-4304.

11 16. Abandoned vehicle administration monies deposited pursuant to
12 section 28-4804.

13 17. Monies deposited pursuant to section 28-710, subsection D,
14 paragraph 2.

15 18. Donations deposited pursuant to section 28-2430.

16 Sec. 7. Section 28-6993, Arizona Revised Statutes, as amended by Laws
17 2008, chapter 93, section 7, is amended to read:

18 28-6993. State highway fund; authorized uses

19 A. Except as provided in subsection B of this section and section
20 28-6538, the state highway fund shall be used for any of the following
21 purposes in strict conformity with and subject to the budget as provided by
22 this section and by sections 28-6997 through 28-7003:

23 1. To pay salaries, wages, necessary travel expenses and other
24 expenses of officers and employees of the department and the incidental
25 office expenses, including telegraph, telephone, postal and express charges
26 and printing, stationery and advertising expenses.

27 2. To pay for both:

28 (a) Equipment, supplies, machines, tools, department offices and
29 laboratories established by the department.

30 (b) The construction and repair of buildings or yards of the
31 department.

32 3. To pay the cost of both:

33 (a) Engineering, construction, improvement and maintenance of state
34 highways and parts of highways forming state routes.

35 (b) Highways under cooperative agreements with the United States that
36 are entered into pursuant to this chapter and an act of Congress providing
37 for the construction of rural post roads.

38 4. To pay land damages incurred by reason of establishing, opening,
39 altering, relocating, widening or abandoning portions of a state route or
40 state highway.

41 5. To reimburse the department revolving account.

42 6. To pay premiums on authorized indemnity bonds and on compensation
43 insurance under the workers' compensation act.

1 7. To defray lawful expenses and costs required to administer and
2 carry out the intent, purposes and provisions of this title, including
3 repayment of obligations entered into pursuant to this title, payment of
4 interest on obligations entered into pursuant to this title, repayment of
5 loans and other financial assistance, including repayment of advances and
6 interest on advances made to the department pursuant to section 28-7677, and
7 payment of all other obligations and expenses of the board and department
8 pursuant to chapter 21 of this title.

9 8. To pay lawful bills and charges incurred by the state engineer.

10 9. To acquire, construct or improve entry roads to state parks or
11 roads within state parks.

12 10. To acquire, construct or improve entry roads to state prisons.

13 11. To pay the cost of relocating a utility facility pursuant to
14 section 28-7156.

15 12. For the purposes provided in subsections C, D and E of this section
16 and sections 28-1143, 28-2353 and 28-3003.

17 B. For each fiscal year, the department of transportation shall
18 allocate and transfer monies in the state highway fund to the department of
19 public safety for funding a portion of highway patrol costs in eight
20 installments in each of the first eight months of a fiscal year that do not
21 exceed ten million dollars.

22 C. Subject to legislative appropriation, the department may use the
23 monies in the state highway fund as prescribed in section 28-6991, paragraph
24 12 to carry out the duties imposed by this title for registration or titling
25 of vehicles, to operate joint title, registration and driver licensing
26 offices, to cover the administrative costs of issuing the air quality
27 compliance sticker, modifying the year validating tab and issuing the
28 windshield sticker and to cover expenses and costs in issuing special plates
29 pursuant to sections 28-2404, 28-2412 through ~~28-2430~~ 28-2432 and 28-2514.

30 D. The department shall use monies deposited in the state highway fund
31 pursuant to chapter 5, article 5 of this title only as prescribed by that
32 article.

33 E. Monies deposited in the state highway fund pursuant to section
34 28-2269 shall be used only as prescribed by that section.

35 F. Monies deposited in the state highway fund pursuant to section
36 28-710, subsection D, paragraph 2 shall only be used for state highway work
37 zone traffic control devices.

38 G. The department may exchange monies distributed to the state highway
39 fund pursuant to section 28-6538, subsection A, paragraph 1 for local
40 government surface transportation program federal monies suballocated to
41 councils of government and metropolitan planning organizations if the local
42 government scheduled to receive the federal monies concurs. An exchange of
43 state highway fund monies pursuant to this subsection shall be in an amount

1 that is at least equal to ninety per cent of the federal obligation authority
2 that exists in the project for which the exchange is proposed.

3 Sec. 8. Section 41-608, Arizona Revised Statutes, is amended to read:

4 ~~41-608.~~ Veterans' donations fund

5 A. The veterans' donations fund is established consisting of monies,
6 gifts and contributions donated to the department and monies deposited
7 pursuant to sections 28-2414, 28-2428, 28-2431, 28-2453, 28-2454, 28-2455 and
8 43-620. The department shall administer the fund. Monies in the fund are
9 continuously appropriated. The monies in the fund are exempt from the
10 provisions of section 35-190 relating to lapsing of appropriations.

11 B. The director or the director's designee may solicit and receive
12 donations, including in-kind donations, from the public for veterans. The
13 director shall deposit, pursuant to sections 35-146 and 35-147, the monetary
14 donations in the veterans' donations fund. Monies in the fund are subject to
15 state auditing procedures. EXCEPT FOR MONIES DEPOSITED PURSUANT TO SECTION
16 28-2431, the donations may be used for the benefit of the veterans within the
17 state of Arizona at the discretion of the director.

18 C. THE DIRECTOR SHALL ESTABLISH A SEPARATE SUBACCOUNT IN THE VETERANS'
19 DONATIONS FUND FOR THE DEPOSIT OF MONIES RECEIVED PURSUANT TO SECTION
20 28-2431, SUBSECTION C. THE MONIES IN THE SUBACCOUNT SHALL BE USED AT THE
21 DIRECTOR'S DISCRETION FOR THE BENEFIT OF ANY IMMEDIATE FAMILY MEMBER OF A
22 PERSON WHO DIED WHILE ON ACTIVE DUTY IN THE UNITED STATES MILITARY.

23 ~~C.~~ D. The director shall inventory and account for the use of any
24 tangible personal property donated to the fund.

25 ~~D.~~ E. On notice from the director, the state treasurer shall invest
26 and divest monies in the fund as provided by section 35-313, and monies
27 earned from investment shall be credited to the fund.